

Message Text

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ORIGIN OFA-01

INFO OCT-01 EA-07 ISO-00 COME-00 L-03 OES-03 DLOS-04 CG-00

DOT-00 CIAE-00 INR-07 NSAE-00 /026 R

DRAFTED BY OES/OFA/FA:LMNAKATSU:SMD

APPROVED BY OES/OFA/FA:LMNAKATSU

EA/ROC:CWFREEMEN (DRAFT)

COMMERCE/NMFS:LSNEAD (DRAFT)

L/OES:TLEITZELL (DRAFT)

D/LOS:RHULL (DRAFT)

----- 087758

P 232128Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY TAIPEI PRIORITY

INFO AMEMBASSY TOKYO PRIORITY

AMEMBASSY SEOUL PRIORITY

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E.O. 11652: N/A

TAGS: EFIS, TW, JA, KS

SUBJECT: US-GROC DISCUSSION ON NORTH PACIFIC FISHERIES

REF: A. TAIPEI 6039; B. TAIPEI 5769; C. STATE 206536

1. IT IS APPARENT THERE IS SOME MISUNDERSTANDING BETWEEN USG AND GROC ON TALKS HELD BETWEEN NAKATSU-YANG ON AUGUST 1 AT TAIPEI. DEPARTMENT IS ALSO CONCERNED THAT NAKATSU-YANG TALKS HAVE BEEN DIRECTLY LINKED WITH RECENT SEIZURE OF ROC VESSEL. THEY REPRESENT TWO SEPARATE MATTERS AND SHOULD BE TREATED AS SUCH. SEIZURE OF VESSEL REPRESENTS VIOLATION OF US LAW. NAKATSU-YANG TALKS RELATE TO POSSIBLE ARRANGEMENTS TO PROTECT RESOURCES OF SPECIAL INTEREST TO US FISHERIES.

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2. CONCERNING AIDE-MEMOIRE (REFTEL C) US RECORD OF DISCUSSION OF AUGUST 1 INDICATES YANG STATED ROC VESSELS WOULD NOT FISH SALMON, HALIBUT AND CONTINENTAL SHELF RESOURCES.

3. PLEASE REQUEST CLARIFICATION OF STATEMENT (PARA 2, REFTEL B) THAT QUOTE GROC RECOGNIZED NECESSITY TO PROTECT CONTINENTAL SHELF FISHERY RESOURCES, INCLUDING HALIBUT END QUOTE.

SENTENCE STRUCTURE SEEMS TO INDICATE THAT GROC CONSIDERS HALIBUT TO BE A SHELF CREATURE. IT SHOULD BE MADE CLEAR THAT USG DOES NOT CLAIM HALIBUT TO BE A SHELF CREATURE. ALSO, DOES RECOGNITION MEAN ROC VESSELS WILL BE INSTRUCTED NOT TO FISH HALIBUT OR SHELF RESOURCES? AS PRACTICAL MATTER, WE DO NOT REQUIRE COMMITMENT FROM GROC THAT IT WOULD NOT FISH OR RETAIN CONTINENTAL SHELF RESOURCES SINCE US LAW SPECIFICALLY PROHIBITS SUCH ACTIVITY. THIS LAW IS VIGOROUSLY ENFORCED BY USCG AND NATIONAL MARINE FISHERIES SERVICE, NOAA, COMMERCE. SEIZURES RECENTLY OF JAPANESE, SOVIET, BULGARIAN, POLISH AND ITALIAN VESSELS HAVE RESULTED IN IMPOSITION OF FINES EXCEEDING 400,000 DOLLARS IN A SINGLE CASE. SIMILAR STIFF PENALTIES CAN BE EXPECTED TO BE IMPOSED ON ROC-REGISTERED VESSELS IF THEY VIOLATE US LAW. ON OTHER HAND, GROC ASSURANCES THAT IT WOULD INSTRUCT ITS VESSELS AND NATIONALS NOT TO FISH FOR US CONTINENTAL SHELF RESOURCES WOULD BE HELPFUL TO USG FOR PURPOSES OF RESPONDING TO EXPRESSIONS OF PUBLIC CONCERN OVER FOREIGN FISHING ACTIVITIES OFF US COAST.

4. WITH REGARDS TO HALIBUT, DEPLETION OF THIS SPECIES HAS BEEN CAUSED BY ACTIVITY OF FOREIGN VESSELS DESPITE INTENSIVE EFFORTS OF INTERNATIONAL PACIFIC HALIBUT COMMISSION TO PROTECT SPECIES. JAPAN, USSR, POLAND AND ROK HAVE AGREED NOT TO FISH HALIBUT AND TO RETURN TO THE SEA IMMEDIATELY ANY HALIBUT TAKEN BY THEIR VESSELS INCIDENTALLY. THEY HAVE ALSO AGREED TO NOT CONDUCT FISHING OPERATIONS IN CERTAIN AREAS AND TIMES TO PROTECT THIS SPECIES. WE WOULD WISH SAME COMMITMENT FROM GROC.

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5. TERM QUOTE OFF THE COAST OF THE UNITED STATES END QUOTE IN AIDE-MEMOIRE IS PHRASE USED COMMONLY BY US. ANOTHER TERM OFTEN USED IS QUOTE WATERS ADJACENT TO UNITED STATES END QUOTE. USAGE OF THESE PHRASES AVOIDS JURIDICAL PROBLEM ASSOCIATED WITH DELIMITATION OF WATERS IN TERMS OF DISTANCES AND IN THIS PARTICULAR CASE REFERS TO WATERS OFF U.S. PACIFIC COAST. AT SAME TIME, GROC'S ATTENTION SHOULD BE CALLED TO NEW US FISHERIES INITIATIVE OUTLINED BY UNDER SECRETARY MAW IN HIS TESTIMONY BEFORE CONGRESSIONAL COMMITTEE ON 200-MILE LEGISLATION SEPTEMBER 19. IN OPPOSING UNILATERAL DECLARATION OF 200-MILES, HE STATED (IN SUPPORT OF SECRETARY'S SPEECH MADE AUGUST

11 AT MONTREAL) THAT US WILL BE NEGOTIATING INTERIM ARRANGEMENTS AS A TRANSITION TO 200-MILES FISHERIES ZONE OFF COAST OF US. THUS GROC SHOULD BE MADE AWARE THAT WITH RESPECT TO FUTURE ARRANGEMENTS WE ARE SPEAKING IN CONTEXT OF 200 MILES.

6. CONCERNING SALMON, JAPAN UNDER TRIPARTITE CONVENTION (US-CANADA-JAPAN) HAS AGREED NOT TO FISH FOR SALMON EAST OF 175 DEGREES W LONGITUDE; ROK UNDER US-ROK FISHERIES AGREEMENT AGREED NOT TO FISH FOR SALMON EAST OF 175 DEGREES W; POLAND IS PROHIBITED FROM CONDUCTING ANY FISHING OPERATIONS IN BERING SEA EAST OF 175 DEGREES W. POLAND HAS ALSO AGREED TO NOT FISH FOR SALMON IN NORTHEASTERN PACIFIC. USSR DOES NOT CONDUCT A HIGH SEAS FISHERY FOR SALMON. WE APPRECIATE GROC'S ASSURANCES THAT IT WILL TAKE INTO ACCOUNT THESE ARRANGEMENTS AND THAT ROC VESSELS WILL NOT BE PERMITTED TO FISH FOR SALMON.

7. WE CAN APPRECIATE YANG'S CONCERN DESCRIBED IN PARA 3, REFTEL B. PHRASE QUOTE AREAS OF CONCENTRATION END QUOTE IS USED IN PRACTICALLY ALL OF OUR FISHERIES AGREEMENTS WITH FOREIGN COUNTRIES, PARTICULARLY WITH RESPECT TO CONTINENTAL SHELF RESOURCES. IT HAS BEEN DEFINED FOR CERTAIN SHELF RESOURCES, SUCH AS NORTH AMERICAN LOBSTER ON ATLANTIC COAST, BUT NOT FOR ANY SPECIES ON PACIFIC COAST SINCE THERE IS PRACTICAL PROBLEM DEFINING CONCENTRATIONS.

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8. PLEASE INDICATE TO YANG THAT LACK OF PRECISE DEFINITION SHOULD NOT PRESENT SERIOUS PROBLEM TO ROC VESSELS PROVIDED THEY DO NOT FISH WITH DRIFT GILL NETS WHICH ARE PARTICULARLY SELECTIVE TO SALMON. TRAWL GEAR WHICH IS PREDOMINANT GEAR FISHED BY FOREIGN FLEETS IS USED TO CATCH BOTTOM DWELLING FISHES PRIMARILY AND IS NOT EFFICIENT FOR CATCHING SALMON. ON OTHER HAND, TRAWLS CAN TAKE HALIBUT AND SHELF RESOURCES AND POSE SERIOUS CONSERVATION PROBLEMS UNLESS REGULATED. THIS IS REASON FOR ESTABLISHING IN OUR BILATERAL AGREEMENTS CLOSED AREAS FOR HALIBUT AND CRABS WHERE THEIR CONCENTRATIONS ARE KNOWN TO BE HIGH. OCCASIONALLY FOREIGN VESSELS FISHING WITH TRAWL GEAR HAVE BEEN KNOWN TO ENCOUNTER SIGNIFICANT QUANTITIES OF HALIBUT AND CRABS OUTSIDE OF THESE CLOSED LOCALITIES. AT SUCH TIMES, THEY ARE REQUIRED TO MOVE THEIR OPERATIONS ELSEWHERE. THIS ARRANGEMENT HAS WORKED WELL AND HAS NOT AT ALL PRECLUDED VESSELS OF JAPAN, USSR, POLAND AND SOUTH KOREA FROM FISHING NON-PROHIBITED SPECIES.

9. FROM POINTS RAISED BY YANG, DEPARTMENT BELIEVES IT WOULD BE HIGHLY DESIRABLE AND USEFUL TO HOLD FURTHER CONSULTATIONS ON NORTH PACIFIC FISHERIES SO AS TO PREVENT MISUNDERSTANDINGS WHICH MIGHT DISRUPT FRIENDLY RELATIONS BETWEEN OUR TWO COUNTRIES. ACCORDINGLY, WITH GROC'S CONCURRENCE, WE WOULD LIKE TO SCHEDULE DISCUSSIONS FIRST BETWEEN SCIENTISTS OF OUR TWO COUNTRIES TO BE FOLLOWED BY MEETING BETWEEN PRINCIPALS. WE WOULD BE PREPARED TO SEND TO TAIPEI TWO SENIOR SCIENTISTS FROM NORTHWEST FISHERIES CENTER, NATIONAL MARINE FISHERIES SERVICE, SEATTLE, IN MID-NOVEMBER, TO MEET WITH ROC SCIENTISTS TO REVIEW AND DISCUSS RESOURCES PROBLEMS IN NORTH PACIFIC.

10. TWO SCIENTISTS ARE A. PRUTER, DEPUTY DIRECTOR, NORTHWEST FISHERIES CENTER AND DR. F.M. FUKUHARA, HEAD OF CENTER'S MARINE RESEARCH PROGRAM. THEY ARE NOW SCHEDULED TO PARTICIPATE IN US-ROK SCIENTIFIC DISCUSSIONS IN SEOUL, NOVEMBER 10-12 AND WOULD PLAN ON PROCEEDING DIRECTLY TO TAIPEI AFTER SEOUL MEETING.

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11. NAKATSU, OES/OFA, AND ONE OR TWO OTHERS WOULD THEN PLAN ON ARRIVING TAIPEI O/A NOVEMBER 16 AFTER ATTENDING TECHNICAL TALKS IN SEOUL NOVEMBER 12-15 TO MEET WITH YANG.

12. RESPONSE REQUESTED ASAP ON PROPOSED MEETINGS. ROBINSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 26 AUG 1999
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FISHERIES, SHIP DETENTION, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 23 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE226747
Document Source: ADS
Document Unique ID: 00
Drafter: OES/OFA/FA:LMNAKATSU:SMD
Enclosure: n/a
Executive Order: N/A
Errors: n/a
Film Number: D750330-0003
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t197509105/baaaacjn.tel
Line Count: 196
Locator: TEXT ON-LINE, TEXT ON MICROFILM
Office: ORIGIN OFA
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 06 MAY 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <06 MAY 2003 by BoyleJA>; APPROVED <29 SEP 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: n/a
TAGS: EFIS, TW, JA, KS
To: TAIPEI INFO TOKYO
SEOUL
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006